

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:10CR3010
vs.)	
)	PRELIMINARY ORDER
SEAN PORTER,)	OF FORFEITURE
)	
Defendant.)	

NOW ON THIS 7th day of June, 2010, this matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a plea agreement whereby he has agreed to enter pleas of guilty to Counts I and II of the Information filed herein. Count I charges the Defendant with one count of receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2). Count II of said Information sought the forfeiture, pursuant to 18 U.S.C., § 2253, of the following properties:

1. Western digital "my book", model W03200HIV, serial # WCASV1094056, 320 GB USB external hard drive (box and power cord);
2. (1) Blue-gray IMAC Computer (with power cord), SNXB921GUG5N;
3. (1) white iBook Laptop W8706620WGL;
4. (1) black MacBook Laptop;
5. (1) black Toshiba PSX2600 cable modem with power cord
6. (1) white Airport extreme wireless router with power cord and internet connection
A1143 GF71EFJVZC
7. (1) white Apple keyboard;

8. (1) Apple Airport express router with power cords and SW
9. (1) black a/c/power cord
10. (1) black Apple APD a/c power cord;
11. (1) Apple USB cord;
12. (2) USB Cords;
13. (5) CD-R disks, (5) DVD-R disks, (4) Mac OSXV 10.2 install disks;
14. (1) black iPhone 87E03ZEW8;
15. (1) black Western digital external HD (WMANK570979);
16. (1) Western digital hard drive (SNWCAV4248611);
17. (51) CD's in green plastic basket;
18. (15) CD's in grey metro brand case; and
19. (15) VHS tapes.

on the basis they were used or were intended to be used to facilitate said violation.

2. By virtue of said guilty plea, the Defendant forfeits his interest in the above-described properties, and the United States should be entitled to possession of the same, pursuant to 18 U.S.C., § 2253.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture (filing [32](#)) is hereby sustained.

B. Based upon Count II of the Information and the plea of guilty, the United States is hereby authorized to seize the following properties:

1. Western digital "my book", model W03200HIV, serial # WCASV1094056, 320 GB USB external hard drive (box and power cord);
2. (1) Blue-gray IMAC Computer (with power cord), SNXB921GUG5N;
3. (1) white iBook Laptop W8706620WGL;
4. (1) black MacBook Laptop;
5. (1) black Toshiba PSX2600 cable modem with power cord
6. (1) white Airport extreme wireless router with power cord and internet connection
A1143 GF71EFJVZC
7. (1) white Apple keyboard;
8. (1) Apple Airport express router with power cords and SW
9. (1) black a/c/power cord
10. (1) black Apple APD a/c power cord;
11. (1) Apple USB cord;
12. (2) USB Cords;
13. (5) CD-R disks, (5) DVD-R disks, (4) Mac OSXV 10.2 install disks;
14. (1) black iPhone 87E03ZEZWH8;
15. (1) black Western digital external HD (WMANK570979);
16. (1) Western digital hard drive (SNWCAV4248611);
17. (51) CD's in green plastic basket;
18. (15) CD's in grey metro brand case; and

19. (15) VHS tapes.

C. The Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C., § 2253.

D. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.

E. Pursuant to 18 U.S.C., § 2253, the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site www.forfeiture.gov notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of

Forfeiture pursuant to 18 U.S.C., § 2253, in which all interests will be addressed.

ORDERED this 7th day of June, 2010.

BY THE COURT:

s/ Richard G. Kopf

United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.